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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z06-0110-05 45

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Oak Mortality Disease Control — Notice File No. Z06-0109-02 46

TITLE 5. BOARD OF EDUCATION

Reading First — Significant Progress — Notice File No. Z06-0110-04 47

TITLE 5. BOARD OF EDUCATION

Rural Flexibility — No Child Left Behind Teacher Requirements — Notice File No. Z06-0110-03 49

TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION

Registered Educational Services or Programs — Notice File No. Z06-0106-01 51

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

Lake Tahoe Region Exemption, 2006 — Notice File No. Z06-0110-02 54

TITLE 27. CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Unified Program Single Fee System for State Agencies — Notice File No. Z06-0109-01 58

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Consistency Determination for Otay Mesa Energy Center, San Diego County 62

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 63

Sections Filed, August 10, 2005 to January 11, 2006 64

*Time-
Dated
Material*

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

AMENDMENT

STATE AGENCY:

Department of Corrections and Rehabilitation

A written comment period has been established commencing on **January 20, 2006** and closing on **March 6, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention **Trish Mayer**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **March 6, 2006**. If

a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3700(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action on December 1, 2005. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action to the Office of Administrative Law no later than March 31, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before March 7, 2006.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

The amendment of Section 3700(c), Oak Mortality Disease Control, established the following as regulated under the articles and commodities covered: *Abies concolor* (white fir), *Griselinia littoralis* (Griselinia), *Parrotia persica* (Persian ironwood) and *Taxus x media* (Yew). *Viburnum opulus* (European cranberrybush viburnum) is already regulated but its synonym and common name of *V. trilobum* (American cranberry viburnum) was added to the regulation. Other changes that did not have a regulatory effect were also made. The effect of this amendment to the regulation is to provide authority for the State to regulate the movement of additional associated hosts and potential carriers of the disease from the regulated area in order to prevent artificial spread of the pest to non-infested areas within Califor-

nia and to correct typographical errors in the text. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3700(c) does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under regulation has a duty to enforce Section 3700. No reimbursement is required for Section 3700 under Section 17561 of the Government Code because the agricultural commissioners of the affected counties requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of amending the regulation on a representative private person or business is not expected to be significantly adverse. The agency is not aware of any new cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new businesses or eliminate existing businesses within Califor-

nia, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3700(c) pursuant to the authority vested by Sections 407, 5321, and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3700(c) to implement, interpret and make specific Sections 24.5, 5321, and 5322, Food and Agricultural Code; Sections 11425.50 and 11440.10, Government Code; and Section 1084 *et seq.*, Code of Civil Procedure.

EFFECT ON SMALL BUSINESSES

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted on its Internet website (www.cdfa.ca.gov/plant/index.html) the information regarding this proposed regulatory action. Select "Pro-

posed Changes in Regulations for Plant Health and Pest Prevention Services" and then section number(s).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING READING FIRST — SIGNIFICANT PROGRESS

[Notice published January 20, 2006]

NOTICE IS HEREBY GIVEN that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **10:00 a.m. on March 6, 2006**, at 1430 N Street, Room 6102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regu-

lations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to regulations@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on March 6, 2006**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Sections 12001, 12032 and 33031, Education Code.

Reference: Section 51700, Education Code; 20 USC 6361 et seq. (Title I, Part B, federal No Child Left Behind Act), California's Approved Reading First Plan as approved by the United States Department of Education on August 23, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California's Reading First Plan, as approved by the United States Department of Education on August 23, 2002, requires the State to have a clear definition of "significant progress" in order to determine which Reading First districts will continue to receive funding and which will be discontinued. The proposed regulation serves two purposes: (1) it defines the criteria to determine progress in improving reading achievement for schools and districts through an index approach known as the Reading First Achievement Index (RFAI), and (2) it defines "significant progress" and provides how the RFAI will be applied to determine whether a district has made "significant progress" after the fourth year of funding in order to be entitled to continue to receive funding.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The State Board has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to state agencies: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary cost or savings imposed on local educational agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations may 1) create or eliminate jobs within California; 2) create new businesses within California; or 3) cause the expansion of businesses currently doing business within California.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to school districts and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The State Board must determine that no reasonable alternative it considered or that has otherwise been

identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Jeff Cohen, Education Program Consultant
Professional Development and Curriculum Support
Division
California Department of Education
1430 N Street, Room 4309
Sacramento, CA 95814
Telephone: (916) 323-6440

INITIAL STATEMENT OF REASONS AND INFORMATION

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the regulation is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the Department of Education's web site at <http://www.cde.ca.gov/re/lr/rr>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Jeffrey Cohen, Professional Development and Curriculum Support Division, 1430 N Street, Room 4309, Sacramento, CA, 95814; telephone, (916) 323-6440; fax, (916) 323-2806. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING RURAL FLEXIBILITY — NO CHILD LEFT BEHIND TEACHER (NCLB) REQUIREMENTS

[Notice published January 20, 2006]

NOTICE IS HEREBY GIVEN that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **1:00 p.m. on March 6, 2006**, at 1430 N Street, Room 1801, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to regulations@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on March 6, 2006**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Section 12001, Education Code.

Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002 and August 5, 2005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Federal law under No Child Left Behind Act (NCLB) requires that all teachers of core academic subjects meet the federal definition of "highly qualified teacher" no later than the end of the 2005-06 school year. Schools that receive Title 1 funds are currently required to hire only teachers that meet the federal definition of "highly qualified teacher." Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

While federal law defines the dates for establishing compliance with the law, additional flexibility has been offered by the ED for specific single subject creden-

tial teachers in identified small rural schools. The proposed regulation will establish new flexibility for teachers employed by rural schools, eligible to participate in the Small Rural School Achievement (SRSA) program, to achieve certification as a highly-qualified teacher.

Specifically, the proposed Rural Flexibility title 5 regulation addresses new guidance received August 5, 2005, in the U.S. Department of Education Non-Regulatory Guidance for the NCLB Title II, Part A, Improving Teacher Quality State Grants. The proposed regulation addresses the issue of middle and high school teachers who are assigned to teach multiple core academic subjects at the secondary level in small rural schools. Under this flexibility, states may permit covered local educational agencies (LEA) that currently employ teachers in small rural schools who teach multiple subjects and are highly qualified in at least one core academic subject they teach, but do not meet all the criteria for a highly qualified teacher in each of the core academic subjects they teach, to have until the end of the 2006-07 school year to be highly qualified in each core subject they teach. Eligible, newly hired teachers in these covered LEAs will have three years from the date of hire to become highly qualified in each core academic subject that they teach. This flexibility is offered to all LEAs that are eligible to participate in the SRSA program.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The State Board has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to state agencies: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary cost or savings imposed on local educational agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within Califor-

nia; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to public charter schools and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Lynda Nichols, Education Programs Consultant
Roxane Fidler, Education Program Consultant
Professional Development and Curriculum Support
Division
California Department of Education
1430 N Street, Room 4309
Sacramento, CA 95814
L. Nichols—Telephone: (916) 323-5822
E-mail: lnichols@cde.ca.gov
R. Fidler—Telephone: (916) 323-4861
E-mail: rfidler@cde.ca.gov

INITIAL STATEMENT OF REASONS AND INFORMATION

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator.

These documents may also be viewed and downloaded from the Department of Education's web site at <http://www.cde.ca.gov/re/lr/rr>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Lynda Nichols, Curriculum Leadership, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 323-5822; fax, (916) 323-2807. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. EDUCATION

Bureau for Private Postsecondary and Vocational Education Department of Consumer Affairs

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary and Vocational Education ("BPPVE") is proposing to take the action described in the Informative Digest.

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs tentatively scheduled at 1625 North Market Boulevard, First Floor Hearing Room, Sacramento, California, at 10:00 a.m. on March 6, 2006. **However, because the BPPVE has moved and some areas are still under construction, please call (916) 574-7727 or check the BPPVE's Web site at www.bppve.ca.gov for any changes to the hearing date, location or time.** The BPPVE will do everything possible to notify interested parties of any changes concerning the hearing.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact

Person in this Notice, must be received by the BPPVE at its office not later than 5:00 p.m. on March 6, 2006 or must be received by the BPPVE at the hearing.

The BPPVE, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 94774, 94774.5, and 94778 of the Education Code, and to implement, interpret or make specific Sections 94931 and 94931.1 of said Code, the BPPVE is considering changes to Division 7.5 of Title 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Sections 94774, 94774.5 and 94778 of the Education Code provide the BPPVE the authority to adopt regulations relating to the responsibilities and functions of administering a statewide private postsecondary and vocational educational regulatory program.

Section 94931 of the Education Code grants the authority to the BPPVE to register institutions that meet specified requirements to offer short-term educational services and programs and to establish the initial registration fee and annual fees to be paid by these institutions. The section also provides that the chief executive officer of the registered institution must complete a registration form provided by the BPPVE that discloses to the public specific information relating to its ownership and operations. Section 94931.1 of the Education Code specifies that the registered institution must provide students with enrollment agreements or registration forms that comply with certain content and notice requirements. This section also mandates that a registered institution's non-conformity with any requirement of the section results in invalidation of any enrollment agreement or registration form, as well as a refund of all tuition to the student.

The BPPVE proposes to amend and repeal regulations in Chapter 5 and adopt Chapter 9 regulations in Division 7.5 of Title 5 of the California Code of Regulations.

1. Amend Section 74006. Existing regulations do not differentiate between the time limits and responsibilities for submitting fees for registered institutions and those for other types of institutions regulated by the BPPVE. This regulatory proposal would provide for such regulations and, in particular, clarify that the annual fee to be assessed a registered institution shall be paid during the first quarter of the calendar year following the registration of each type of educational service or program.
2. Amend Section 74030. Existing regulations do not require registered institutions to submit an application on a form prescribed by the BPPVE when there is a change of ownership or a shift in control of the institution. This regulatory proposal would provide for such a regulation.
3. Amend Section 74040. Existing regulations do not provide time frames for the BPPVE to notify institutions when the application for registration is accepted for filing or not complete. This regulatory proposal would provide for such a regulation.
4. Adopt Chapter 9. Existing regulations do not provide for a Chapter 9 or a title "Registered Educational Services or Programs" in Division 7.5 of Title 5 of the California Code of Regulations. This proposal would provide for such chapter and title.
5. Adopt Article 1. Existing regulations do not provide for an Article 1 and title "General Provisions" in Chapter 9 of Division 7.5 of Title 5 of the California Code of Regulations. This proposal would provide for such an article and title.
6. Adopt Section 78000. Existing regulations do not specify the types of educational services and programs subject to the proposed regulations under Chapter 9. This regulatory proposal would provide for such a regulation.
7. Adopt Section 78006. Existing regulations do not specify the required information that the institution or applicant must submit to offer specified types of registered educational services or short-term education programs. This regulatory proposal would provide for such a regulation, and would clarify, in particular, that an institution or applicant may submit an approval to operate application in lieu of the specified registration application.

8. Adopt Section 78008. Existing regulations do not specify the requirements for degree or non-degree-granting institutions that propose to offer registered educational services or programs. This regulatory proposal would provide for such a regulation.
9. Adopt Section 78010. Existing regulations do not specify that if a registered institution or institution is to offer additional educational services or programs after initial registration, then a notification must be submitted to the BPPVE and that no new fee shall be collected for the addition of an educational service or program of the same type. Also, no existing regulation specifies that failure to provide the BPPVE with accurate and timely information is grounds for denial of the application or revocation of the institution's registration status. This regulatory proposal would provide for such regulations.
10. Adopt Article 2. Existing regulations do not provide for an Article 2 and title "Schedule of Fees" in Chapter 9 of Division 7.5 of Title 5 of the California Code of Regulations. This proposal would provide for such an article and title.
11. Adopt Section 78020. Existing regulations do not provide for a fee schedule that describes fees payable to the BPPVE in connection with an application for registration that is based on the types of educational services and programs being offered to students or specify that application fees and document fees are non-refundable. This regulatory proposal would provide for such a regulation.
12. Adopt Section 78022. Existing regulations do not specify annual fees, applicable delinquency fees or the consequences for not complying with payment of the annual fees. Also, no existing regulations specify the notification requirements when an institution discontinues offering an educational service or program. This regulatory proposal would provide for such a regulation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: NONE

Business Impact:

The BPPVE has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Before the 1998 changes to the Private Postsecondary and Vocational Education Reform Act of 1989 ("Act" — Education Code sections 94700 and following), institutions had to seek approval to operate as a "degree," "non-degree" or "vocational" educational institution, or a "short-course institution," which involved separate fees for each location. The approval process was much more complex and expensive for the institution under these other school approval categories.

Current law and these proposed regulations would implement the intent of the 1998 amendments to the Act to reduce fees and eliminate redundancy and duplication of effort by educational institutions that wish to offer short-term educational programs. Except for "Short-term Career Training", the initial fees for registration are lower than those previously required for "short-course institutions" under regulations in effect before 2001, and are substantially less than the fees that have to be paid for obtaining and maintaining approval under the other licensing categories.

The initial registration fee for "Short-term Career Training" was previously \$700. These proposed regulations will increase the fee to \$800. The fee increase is based on additional conditions "Short-term Career Training" is required to meet, such as disclosures associated with students' eligibility for pro-rata refunds and reimbursement from the Student Tuition Recovery Fund. These programs must disclose completion and placement data and are subject to initial site visits at the Bureau's discretion. These additional requirements considerably increase the time required for the Bureau to complete this type of application for registration and justify the slightly increased cost. Further, the elimination of fees previously charged for program changes (such as an added or changed site) offset the increase in the initial application fee.

The following studies/relevant data were relied upon in making the above determination:

- A) Analysis dated July 18, 1997, Senate Committee, Business and Professions
- B) Analysis dated July 17, 1997, Assembly Committee on Higher Education
- C) "Short-course" institutions regulation, former Title 5, California Code of Regulations section 74012 repealed on October 22, 2001
- D) Legislative Counsel's Digest dated February 19, 2004

- E) Revenue Detail for Proposed BPPVE Regulations for Registered Institutions Program dated December 6, 2005

Impact on Jobs/New Businesses:

The BPPVE has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The BPPVE estimates the potential cost impact of the proposed regulations on directly affected private persons or entities to be an initial cost of \$500 for all types of registered educational service other than "Short-term Career", for which the initial cost of registration is \$800. The higher initial registration fee reflects the additional processing time required by the Bureau to verify student protections and financial information required from institutions offering this type of registered program. All programs will pay annual fees of \$200 thereafter.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The BPPVE has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The BPPVE must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The BPPVE has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of

the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau for Private Postsecondary and Vocational Education at 1625 North Market Boulevard, Suite S-202, Sacramento, California 95833 or from the BPPVE's Web site.

**AVAILABILITY AND LOCATION
OF THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jeanne Ireland, Regulations
Coordinator
Address: 1625 North Market Boulevard,
Suite S-202
Sacramento, CA 95833
Telephone No.: (916) 574-7727
Fax No.: (916) 574-8650

The backup contact person is:

Name: Joanne Wenzel
Address: 1625 North Market Boulevard,
Suite S-202
Sacramento, CA 95833
Telephone No.: (916) 574-7794
Fax No.: (916) 574-8649

Web site Access: Materials regarding this proposal can be found at www.bppve.ca.gov.

**TITLE 14. BOARD OF FORESTRY
AND FIRE PROTECTION**

[Notice Published January 20, 2006]

NOTICE OF PROPOSED RULEMAKING

Lake Tahoe Region Exemption, 2006

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described be-

low after considering all comments, objections, and recommendations regarding the proposed action.

Adopt:

895	Abbreviations Applicable Throughout Chapter.
895.1	Definitions.
1038 and 1038(f)	Exemption.

PUBLIC HEARING

The Board will hold a public hearing starting at 9:00 A.M., on Wednesday, March 8, 2006, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, March 6, 2006. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 4551, 4553 and 4584, Public Resources Code. Reference: Sections 4516, 4527 and 4584, Public Resources Code

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation necessary to amend Forest Practice Rules (FPR) Title 14, Chapter 4, Subchapter 7, Article 2, and Section 1038, Exemptions. This amendment would exempt (from Timber Harvesting Plan filing requirements of the Forest Practice Act (FPA)) the harvesting of live trees in a watercourse and lake protection zone (WLPZ) in the Lake Tahoe region for purposes of reducing fire hazards. Exemptions conducted under this amendment would require obtaining and accordance with a Tree Removal Permit issued by the Tahoe Regional Planning Agency (TRPA) and certified by the Lahontan Regional Water Quality Board (LRWQCB). This amendment is currently adopted by the Board as an emergency regulation and is currently in effect. The permanent adoption of the regulation is considered regulatory relief in that it provides additional hazard reduction treatments conducted under an Exemption than currently allowed.

SPECIFIC PURPOSE OF THE REGULATION

The specific purpose of the proposed amendment is to revise the Tahoe dead and dying tree removal exemption under 14 CCR section 1038(f) of the California Forest Practice Rules to allow removal of live vegetation from WLPZ/SEZs in the Lake Tahoe Region. It also amends the permitting requirements of any section 1038 exemption conducted in the Lake Tahoe Region by requiring the need to obtain a TRPA permit prior to submitting the exemption form to CDF. Finally, it adds a new definition and abbreviation specific to Lake Tahoe.

The proposed regulation has two options included in the notice:

Option 1: This option is the exact language used currently in the emergency regulation. This focus of this option is to allow the removal of live trees in WLPZ/SEZs, allow use of low impact mechanized equipment (under certain conditions) to remove vegetation from WLPZ/SEZs, and add that all exemptions conducted in the Lake Tahoe Region have a Tahoe Tree Removal Permit.

Option 2: This option includes all the requirements of Option 1, but further amends 1038(f) to add other exempt activities to the operational requirements outlined in the section 1038(f) 1–14. Exempt activities authorized under PRC 4584 sections (b), (c), (f), (j), and (k) would be subject to 1038(f) 1–14 requirements. For example, exempt operations such as defensible space clearing under 1038(c) (authorized by PRC 4585j) currently do not require operational requirements pursuant to 1038(f) 1–14; they must comply with 1038(c) 1–10. The alternative would now require 1038(c) and other activities to comply with 1038(f) 1–14.

The revisions to sections 1038 and 1038(f) change several sections:

- Section 1038 preamble is amended to require that all timber operations conducted using an Exemption outlined in the FPRs in the Lake Tahoe Region obtain a TRPA permit prior to exemption submission to CDF.
- Amendments to subsection 1038(f) permit live tree harvesting, for fuelwood uses only, in SEZs/WLPZs defined in the FPRs. Existing rules under subsection 1038(f) do not permit any live tree removal on parcels less than 20 acres in the Tahoe Basin, including in SEZs/WLPZs. Live fuelwood or minor forest products, dead trees, dying trees and other vegetation removal would be allowed from SEZs/WLPZs when approved by TRPA and the Lahontan Regional Quality Control Board prior to exemption submission to CDF. The tree removal prescription/limitation would be the WLPZ standards currently outlined in Article 6, Watercourse and Lake Protection Zones, Sections 956 through 956.12.
- Amendment to 1038(f) under option 2.1 deletes the parcel size limitation currently applicable to exempt activities in the Lake Tahoe Region. Also it adds other exempt activities must conform to the outlined in the section 1038(f) 1–14 (see above).

- Amendments in subsection 1038(f)(2) require the use of low impact equipment in SEZs/WLPZs: Subsection 1038(f)(2) permits “low impact” equipment in SEZs, WLPZs or other high erosion hazard areas for tree removal, if approval is also obtained from the TRPA and the LRWQCB.
- Amendment to subsection 1038(f)(4) adds non substantive clarifying edits related to operational limits during winter periods. It also adds the exception that low impact equipment may be used during winter periods given certain circumstances.
- Amendment to subsection 1038(f)(7) allows harvest of live vegetation from WLPZs/SEZs. The only difference in this subsection between Option 1.2 and 2.2 is that Option 2.2 states that “live tree, dead trees or other live and dead vegetation” may be removed. Option 1.2 specifies only live vegetation may be removed from SEZs.
- Amendment to subsection 1038(f)(9), (12), and (13) adds non substantive clarifying edits.
- Amendments under Option 2.3 to section 1038(f)(15), (16), and (17) are necessary because of statutory operational requirements related to PRC 4584 sections (b), (c), (f), (j). These PRC sections list specific operational requirements that are currently not listed under 1038(f). By including these exempt activities under 1038 (f), all statutory requirements must be retained.

Revisions to sections 895 and 895.1 provide an acronym for the Tahoe Regional Planning Agency and define the Lake Tahoe Region for the purpose of establishing the geographical scope of the regulation.

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: No direct savings identified although long term fire suppression costs and loss to public trust natural resources may be reduced by an unestimated amount. The regulation also could result in unknown, potentially significant, General Fund cost avoidance by reducing forest fire risk and making it easier for CDF to contain fires while they are small; thereby preventing large conflagrations. CDF annually spends more than

\$400 million from the General Fund on fire protection and suppression.

- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The Board has determined that the proposed amendments will not have an adverse affect on small business. The proposed regulation is designed to provide regulatory relief, leading to substantial reduction in regulatory filing and preparation fees.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5(a)(3), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone (916) 653-5602.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at: http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 27. CALIFORNIA
ENVIRONMENTAL PROTECTION
AGENCY**

**45-DAY PUBLIC NOTICE AND
COMMENT PERIOD**

**UNIFIED PROGRAM SINGLE FEE SYSTEM
for STATE AGENCIES**

Department Reference Number: R-2005-18

NOTICE IS HEREBY GIVEN that the California Environmental Protection Agency (Cal/EPA) proposes to amend California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, part II, article 5, sections 15241 and 15242. The proposed regulations make permanent the current emergency regulations. The proposed regulations are necessary to implement the legislative mandate contained in Health and Safety Code, division 20, chapter 6.11 (section 25404 et seq.). Under this chapter, certain environmental protection measures are unified within the jurisdiction of a single agency. This ensures that the human health and the environment will be safeguarded in a manner that is easier for regulated businesses, because they will need to work only with one regulatory agency rather than with several. At this time, Imperial County and Trinity County have chosen not to establish a local Certified Unified Program Agency (CUPA) within their jurisdictions. This means that, pursuant to Health and Safety Code section 25404.3, subdivision (f)(2)(A) the Secretary of Cal/EPA is required to select an agency to act as the CUPA within those two counties. The Secretary selected the Department of Toxic Substances Control (DTSC) to act as the CUPA within Imperial and Trinity Counties. In the absence of the proposed regulations, there is no funding mechanism that would allow DTSC to carry out its environmental protection duties as the designated agency under Chapter 6.11.

**PUBLIC HEARING AND WRITTEN
COMMENT PERIOD**

A written comment period has been established beginning January 20, 2006, and closing on March 6, 2006. Cal/EPA will hold a public hearing on the proposed regulations at 9 A.M. on March 6, 2006, in the Cal/EPA headquarters building, Sierra Hearing Room, 2nd Floor, 1001 "I" Street, Sacramento, California, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5 P.M. on March 6, 2006, will be considered.

Representatives of Cal/EPA will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 8:30 A.M. to 9 A.M. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be given an opportunity to do so after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA headquarters building, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to 15 minutes. Please allow adequate time to sign in before being directed to the public hearing.

If you have special accommodation or language needs, please contact Mr. Mark Abrams, Regulations Coordinator, Environmental Analysis and Regulations Section, at (916) 322-2833 or by e-mail at regs@dtsc.ca.gov by February 27, 2006. TTY/TDD users may dial 711 for the California Relay Service. Speech-to-Speech services are available by calling (800) 735-0373 or via TTY at (800) 735-0193.

AUTHORITY AND REFERENCE

Authority

Health and Safety Code section 25404, subdivision (b). This section requires the Secretary of Cal/EPA to adopt implementing regulations for the unified hazardous waste and hazardous materials management regulatory program.

Reference

The proposed regulatory action implements, interprets, and makes specific Health and Safety Code section 25404.3, subdivision (f)(2)(A). This section requires that, if no local agency has been certified to act as the unified program agency, the Secretary of Cal/EPA will implement the program within the area where no agency has been certified, and will determine which state or local agency shall be designated as the CUPA.

The proposed regulatory action implements, interprets, and makes specific Health and Safety Code section 25404.5. This section requires each CUPA to institute a single fee system, and requires the Secretary of Cal/EPA to establish the amount to be paid when the CUPA is a state agency.

There are no federal regulations analogous to the proposed regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law

Under current state law, local agencies may form a CUPA to consolidate certain environmental protection functions within a single governing body. (Health & Saf. Code § 25404 et seq.) This allows persons who are subject to various forms of regulation to work directly with only one regulatory agency and to pay only one fee for the support of the covered environmental activities. Activities within the jurisdiction of the CUPA include approval of certain types of authorization to handle hazardous waste. (Health & Saf. Code § 25404, subd. (c)(1).) Current state law also requires that the CUPA shall regulate, inspect or review underground storage tanks, hazardous material release response plans and inventories (business plans), accidental release prevention programs, and requirements adopted by the State Fire Marshal concerning hazardous material management plans and inventories. (Health & Saf. Code § 25404, subd. (c)(2)–(6).)

If no local agency has been certified to act as the CUPA within a county or an area of a county, the Secretary of Cal/EPA shall determine which state or local agency shall be designated as the CUPA. (Health & Saf. Code § 25404.3, subd. (f)(2) (A).) The governing body of the local CUPA shall establish the amount to be paid under the single fee system at a level sufficient to pay the necessary and reasonable costs incurred by the CUPA. (Health & Saf. Code § 25404.5, subd. (a)(2)(A).) If the Secretary of Cal/EPA has designated a state agency to act as the CUPA, the Secretary will de-

termine the amount to be paid under the single fee system. (Health & Saf. Code § 25404.5, subd. (a)(2)(B).)

These proposed regulations were adopted as emergency regulations September 26, 2005, and will expire January 24, 2006. The emergency regulations are being readopted to ensure that regulations remain in effect while the final rulemaking is being processed. In the absence of these proposed regulations, a process will not be in place for setting the amount to be paid under the single fee system when a state agency is a CUPA.

Policy Statement Overview

The proposed regulations are necessary to implement the legislative mandate contained in Health and Safety Code, division 20, chapter 6.11 (section 25404 et seq.). Under this chapter, certain environmental protection measures are unified within the jurisdiction of a single agency. This ensures that the human health and the environment will be safeguarded in a manner that is easier for regulated businesses, because they will need to work only with one regulatory agency rather than with several. At this time, Imperial County and Trinity County have chosen not to establish local CUPAs within their jurisdictions. This means that, pursuant to Health and Safety Code section 25404.3, subdivision (f)(2)(A) the Secretary of Cal/EPA is required to select an agency to act as the CUPA within those two counties. The Secretary has selected the California Department of Toxic Substances Control (DTSC) to act as the CUPA within Imperial and Trinity Counties.

In the absence of the proposed regulations, there is no funding mechanism that would allow DTSC to carry out its environmental protection duties as the designated agency under Chapter 6.11. DTSC's primary accounts, the Toxic Substances Control Account (Health & Saf. Code § 25173.6) and the Hazardous Waste Control Account (Health & Saf. Code § 25174) are already designated for specific purposes. DTSC's primary accounts do not contain authority for expenditures on the functions of a CUPA, with the exception of authorizing hazardous waste facilities. In addition, these regulations are needed to address the following issues:

- 1) It would be unfair to require regulated businesses in other jurisdictions to pay a single fee for the support of their local CUPAs, if no corresponding fee is due from businesses in jurisdictions where a state agency acts as the CUPA.
- 2) If businesses in state agency–managed CUPAs are not subject to a single fee, businesses in other jurisdictions are likely to demand that their governing bodies dissolve their local CUPAs, so that the state agency can assume control. This

would thwart the Legislature's plan for local control over certain environmental functions.

- 3) Most important, there is no alternative under the law but for the Secretary of Cal/EPA to establish a single fee for Imperial and Trinity Counties. The Secretary is mandated by Health and Safety Code section 25404.5, subdivision (a)(2)(A) and (B) to institute a single fee at a level sufficient to pay the necessary and reasonable costs of DTSC acting in its capacity as a CUPA.

Proposed Regulations

The proposed regulations are necessary to make permanent the emergency regulations that are being readopted prior to their expiration on January 24, 2006. The proposed regulations establish a formula for setting the fee to be paid by any county or portion of a county for which DTSC acts as the CUPA. In January 2005, DTSC was designated the CUPA in Trinity and Imperial Counties. The amount of the fee each business must pay is based on DTSC's necessary and reasonable cost of regulating each specific activity conducted by that business. The regulations establish a program element fee that is calculated by multiplying a base rate by an hourly fee for each program element to which a business is subject. The base rate for each county is based on DTSC workload standards within that county, so that activities that require greater regulatory attention have a higher base rate in comparison to activities that require less regulatory attention. The base rate and the resulting fee may be recalculated as needed, but not more than once per fiscal year, so that adjustments can be made if workload standards change. In recognition that there are some indirect costs of maintaining the program that are not reflected in the workload standards, each business must also pay a flat fee that funds the remainder of DTSC's costs. The program element fee and the flat fee are combined to calculate each business's total fee.

The regulations also establish standards for measuring DTSC's costs, exempt a business from the fee for its first reporting period if the fee had already been paid, allow the Secretary or the designated agency to suspend the business's authorization to conduct the regulated activity for non-payment of the fee, establish procedures for revising the fee annually, authorize the Secretary or the designated agency to cost recover for non-recurring activities, establish interest on late payments and refunds, and set forth a due process mechanism for disputing the fee assessment.

The regulations include definitions to clarify terms as needed, and references other regulations or statute for those terms not otherwise defined. The definitions also clarify which activities will be included in and excluded from the scope of the program elements. The definitions exclude some activities that might technically fall with-

in the CUPA's jurisdiction for the purposes of fee collection. The activities that are excluded, such as generating a waste that does not require a manifest, are those activities for which the anticipated level of regulation is uncertain and possibly minimal, and fee collection would not be cost-effective. The definitions could be amended at a later date to assess fees on the excluded program elements if they receive a predictable and significant level of regulation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Cal/EPA has found this rulemaking project to be exempt under CEQA. A draft of the Notice of Exemption (NOE) is available with the rulemaking file and the NOE will be filed with the State Clearinghouse, Office of Planning and Research, when the regulations are adopted.

PEER REVIEW

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

BUSINESS REPORT

Cal/EPA has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts:

Cal/EPA has made a preliminary determination that adoption of these regulations will create no new local mandates.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement:

Cal/EPA has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to Government Code part 7, division 4, section 17500 et seq., or other nondiscretionary costs to local agencies. Local agencies may experience savings, in an unknown amount, to the extent they will not perform the governmental activities that will be done instead by DTSC when funding for those activities is in place. Local agencies, as with all other businesses and persons, are already subject to a requirement that they pay a CUPA fee pursuant to Health and Safety Code section

25404.5, insofar as they engage in any of the activities regulated by the CUPA. Cal/EPA expects to bill the fee to local agencies after the methodology for setting the fee is established by the proposed regulations. Local agencies will be exempt if the activity is exempt from fees pursuant to Health and Safety Code sections 25174.7 or 25205.3.

Cost or Savings to Any State Agency: Cal/EPA has made a preliminary determination that the proposed regulations will have no net impact on state revenue or costs. The fee is designed to make the CUPA program entirely self-funding in jurisdictions where the designated agency acts as the CUPA. Therefore, increased revenue will exactly equal increased cost.

Cost or Savings in Federal Funding to the State: Cal/EPA has made a preliminary determination that the proposed regulations will have no impact on federal revenue or costs.

Broad Objectives: The proposed regulations will have no net impact on state revenue costs. The proposed regulations establish a formula for setting the fee to be paid by businesses in any county or portion of a county for which the designated state agency acts as the CUPA. The CUPA program is self-funding; any revenue received will offset the cost incurred.

Specific Objectives: DTSC has been designated to act as the CUPA within Imperial and Trinity Counties. DTSC may incur minor one-time costs to implement the program but ongoing cost will be offset with fee revenues. The Budget Act of 2005 includes a budget augmentation for DTSC to implement this program.

Effect on Housing Costs: Cal/EPA has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses: The Cal/EPA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant Statewide Adverse Economic Impact on Businesses: Cal/EPA has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Assessment Statement:

- (A) Creation or elimination of jobs within California — Cal/EPA has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- (B) Creation of new businesses or the elimination of existing businesses within California — Cal/EPA has made a preliminary determination that no

businesses will be created or eliminated in California as a result of the proposed regulations.

- (C) Expansion of businesses currently doing business in California — Cal/EPA has made a preliminary determination that no businesses in California will be expanded as a result of the proposed regulations.

Effect on Small Businesses: Cal/EPA has determined that provisions of this rulemaking will have no effect on small businesses. The proposed regulations establish a fee setting process. They create no significant impacts and do not impose any prescriptive standards or reporting requirements.

CONSIDERATION OF ALTERNATIVES

Cal/EPA has determined that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of Cal/EPA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action. Cal/EPA invites interested persons to present arguments, with respect to the various options, at the scheduled hearing, or during the written comment period.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons, and the text of the proposed regulations are posted to Cal/EPA's and DTSC's Web sites at <http://www.calepa.ca.gov/LawsRegs/default.htm> and <http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm>. Hard copies may be obtained from Mr. Abrams of DTSC's Environmental Analysis and Regulations Section as specified below. The information upon which Cal/EPA relied is also available at the address listed below.

POST-HEARING CHANGES

After the close of the comment period, Cal/EPA may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once regulations have been adopted, Cal/EPA prepares a Final Statement of Reasons, which updates the

Initial Statement of Reasons, summarizes how Cal/EPA addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Mr. Abrams at the address listed below. A copy of the Final Statement of Reasons will also be posted on Cal/EPA's and DTSC's Web sites listed above, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Ms. Mary Wilson of DTSC at (916) 323-7367 or, if unavailable, Ms. Sonia Low of DTSC at (916) 323-9757. Please note however, such oral inquiries do not become part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing for them to be considered by Cal/EPA before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please visit <http://www.calepa.ca.gov/Listservs/dtsc/> and subscribe to the applicable Listserv. You may also leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Mr. Mark Abrams, Regulations
Coordinator
Environmental Analysis and
Regulations Section
Department of Toxic Substances
Control

Mailing address: P.O. Box 806
Sacramento, California 95812-0806

E-mail address: regs@dtsc.ca.gov

Fax number: (916) 323-3215

Mr. Abram's phone number is (916) 322-2833. If he is not available, please call Ms. Nicole Sotak of DTSC at (916) 327-4508 or Mr. Jim McRitchie of DTSC at (916) 327-8642.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

Tracking Number 2080-2005-039-05

PROJECT: Otay Mesa Energy Center
LOCATION: San Diego County
NOTIFIER: Tom Miller, Otay Mesa Energy Center
LLO ("OMEC")

BACKGROUND

Otay Mesa Energy Center, LLC is proposing to construct a natural gas-fired, combined cycle, nominally rated 510 MW power plant in the Otay Mesa area of southwest San Diego County, California (hereafter, "the project"). In addition to the power plant site itself, the project includes upgrades to existing electrical lines, construction of a new 230 kV electrical transmission line, a natural gas supply line, a wastewater discharge line, and access roads. Project components completed within the power plant site include: mass and precise grading, storm drain system, two siltation/detention basins, irrigated landscaping on the exposed slopes, and fencing.

The project has been designed to avoid impacts to Otay tarplant (*Deinandra conjugens*, formerly *Hemizonia conjugens*) to the maximum extent possible. Otay tarplant is listed as endangered under the California Endangered Species Act, Fish and Game Code 2050, *et seq.* ("CESA") and threatened under the federal Endangered Species Act ("ESA") (16 U.S.C. § 1531 *et seq.*). The project as originally proposed described tunneling beneath all known historic locations of this annual plant within the project footprint, however, updated engineering analysis has identified the need to trench, rather than tunnel, in three locations and will now result in direct impacts to six Otay tarplant individuals along the proposed pipeline route. On September 3, 2003, the U.S. Fish and Wildlife Service ("USFWS") issued a Biological and Conference Opinion for the project as originally proposed (1-6-00-F-54R; California Energy Commission License 99-AFC-5), for which the Department of Fish and Game ("Department") issued Consistency Determination 2080-2003-023-05.

Because the project, as amended, has the potential to take additional individuals of Otay tarplant, the U.S. Army Corps of Engineers consulted with the USFWS, as required by ESA. On December 2, 2005, the USFWS

issued a Biological Opinion (1-6-06-F-783) for the Otay Mesa Energy Center (formerly the Calpine Corporation-Otay Mesa Generating Project) located in San Diego County, California, to address project changes since the original Biological Opinion. The amended Biological Opinion describes the amended project activities and sets forth measures to mitigate impacts to Otay tarplant and its habitat. On December 7, 2005, the Director of the Department received a notice from Mr. Torn Miller of OMEC seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the amended Biological Opinion is consistent with CESA.

DETERMINATION

After reviewing the above-referenced biological opinion and other relevant documents, the Department has determined that Biological Opinion #1-6-06-F-783 is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Measures incorporated into the amended project and described in the federal biological opinion include, but are not limited to, the following elements.

1. Temporary impacts due to the trenching activities to 0.25 acre of occupied Otay tarplant habitat will be mitigated off-site at a 3:1 ratio (0.75 acre requirement), and permanent impacts to 0.47 acre of potential Otay tarplant habitat will be mitigated off-site at a 2:1 ratio (0.94 acre requirement). The total off-site acquisition required for Otay tarplant is 1.69 acres. The land will be acquired within USFWS designated Otay tarplant critical habitat.
2. The off-site habitat acquired will support a minimum of eighteen (18) Otay tarplant individuals; or, if no Otay tarplant individuals occur within the acquired parcel(s), a revegetation plan detailing the methods that will be used to establish at least eighteen Otay tarplants within the preserved habitat will be developed and implemented.

Based on the Department's consistency determination, OMEC does not need to obtain authorization from the Department under CESA for take of Otay tarplant that occurs while carrying out the project, provided OMEC complies with the mitigation measures and other conditions described in the biological opinion. However, if the project as described in the opinion, including the mitigation measures therein, changes after the date of the opinion, or if the USFWS amends or replaces that opinion, OMEC will need to obtain from the Department a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate

incidental take permit (in accordance with Fish and Game Code section 2081).

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EQUALIZATION Membership Fees

This amendment is a change without regulatory effect dealing with the application of tax to membership fees. The change is being made pursuant to section 1584 which requires adjustments to the "nominal amount" during September 2000, and every five years thereafter, to reflect changes in the California Consumer Price Index (CCPI) whenever the CCPI has increased more than 5 percent over any previous adjustment period. Based on CCPI information, the Board has determined that the CCPI has increased more than 15% over the previous adjustment period, and therefore, for purposes of this regulation, the term "nominal amount" means an amount totaling \$50 or less per year, effective January 1, 2006.

Title 18
California Code of Regulations
AMEND: 1584
Filed 01/10/06
Effective 01/10/06
Agency Contact:
Chelsea C. Carlock (916) 322-3084

BOARD OF PODIATRIC MEDICINE Disciplinary Guidelines

The regulatory action incorporates by reference the September 2005 "Manual of Disciplinary Guidelines with Model Disciplinary Orders".

Title 16
California Code of Regulations
AMEND: 1399.710
Filed 01/05/06
Effective 02/04/06
Agency Contact:
Mischa Matsunami (916) 263-0315

**CALIFORNIA HORSE RACING BOARD
Toe Grabs Prohibited**

Several studies have shown that these toe grabs, especially the high and regular size, increase the risk of fatal injury to thoroughbred race horses. This increase is due to the changed geometry created by the higher horse-shoe. The force on the leg when the horse is running is changed and leads to an increase in fatal injuries. This regulation would prohibit the use of toe grabs with a length greater than 4 millimeters on the front shoes of thoroughbred race horses participating in a race. This regulation is designed to reduce the risk of fatal injury to thoroughbred race horses.

Title 4
California Code of Regulations
ADOPT: 1690.1
Filed 01/09/06
Effective 02/08/06
Agency Contact: Harold Coburn (916) 263-6397

**CALIFORNIA HORSE RACING BOARD
Animal Welfare**

The regulatory action deals with animal welfare.

Title 4
California Code of Regulations
ADOPT: 1902.5
Filed 01/09/06
Effective 02/08/06
Agency Contact: Harold Coburn (916) 263-6397

DEPARTMENT OF JUSTICE

General Provisions, Public and Mutual Benefit Corps,
Religious Corps.

The California Department of Justice is amending sections 999.1, 999.2, 999.3, and 999.4, title 11, California Code of Regulations. These sections are found under Ch. 15 pertaining to Nonprofit Corporation Law and are entitled general provisions and definitions, public benefit corporations, mutual benefit corporations, and religious corporations, respectively. The amendments are editorial in nature.

Title 11
California Code of Regulations
AMEND: 999.1, 999.2, 999.3, 999.4
Filed 01/09/06
Effective 02/08/06
Agency Contact: Jeffery M. Ogata (916) 327-6820

DEPARTMENT OF JUSTICE

Wholesaler or Nonresident Wholesaler Surety Bond
Form

This filing adopts a new form entitled "Wholesaler or Non-Resident Wholesaler Surety Bond for

\$25,000.00" to be used in connection with enforcement by the State Board of Pharmacy.

Title 11
California Code of Regulations
ADOPT: 116.2
Filed 01/11/06
Effective 01/11/06
Agency Contact: Anne M. Burr (415) 703-1403

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN AUGUST 10, 2005 TO
JANUARY 11, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

12/29/05 AMEND: 1038

Title 2

12/30/05 AMEND: 560
12/29/05 AMEND: 18329.5, 18701, 18751
12/21/05 AMEND: 599.960, 599.961
12/20/05 AMEND: 18700, 18707, 18708
12/12/05 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.37, 20108.38,
20108.40, 20108.45, 20108.50,
20108.51, 20108.55, 20108.60,
20108.65, 20108.70, 20108.75, 20108.80
11/16/05 AMEND: 1181
11/07/05 ADOPT: 1859.300, 1859.301, 1859.302,
1859.310, 1859.311, 1859.312,
1859.313, 1859.314, 1859.315,
1859.316, 1859.317, 1859.318,
1859.319, 1859.320, 1859.321,
1859.322, 1859.323, 1859.323.1,
1859.323.2, 1859.324, 1859.325,
1859.326, 1859.327, 1859.328,
11/07/05 AMEND: 20107
10/31/05 AMEND: 1859.2, 1859.81, 1866
10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3,
1859.147, 1859.202, 1866, Form SAB
50-01
10/24/05 ADOPT: 1859.23 AMEND: 1859.2,
1859.122, 1859.123, 1859.123.1
10/18/05 ADOPT: 18732.5

10/11/05 ADOPT: 18117, 18772
 10/11/05 AMEND: 18450.4
 10/11/05 AMEND: 18401, 18427.1, 18700,
 18705, 18707.9, 18730, 18750
 10/06/05 ADOPT: 18735.5
 09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284
 09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000
 09/13/05 AMEND: 18730
 09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
 09/06/05 ADOPT: 1183.12, 1183.13, 1183.14
 AMEND: 1181, 1181.1, 1181.2, 1181.3,
 1183, 1183.01, 1183.02, 1183.03,
 1183.04, 1183.05, 1183.06, 1183.07,
 1183.08, 1183.1, 1183.11, 1183.12,
 1183.2, 1183.21, 1183.3, 1187, 1187.2,
 1187.3, 1187.4, 1188.1, 1188.3, 1188.4,
 08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000
 08/15/05 AMEND: 51000

Title 3

12/28/05 AMEND: 3406(b)
 12/28/05 ADOPT: 6576, 6950
 12/15/05 AMEND: 6400
 12/13/05 AMEND: 3700(c)
 12/01/05 AMEND: 3700(c)
 11/23/05 AMEND: 3406(b)
 10/25/05 AMEND: 3406(b)
 10/24/05 AMEND: 3433(b)
 10/20/05 AMEND: 3591.19(a)
 10/19/05 AMEND: 3406(b)
 10/18/05 ADOPT: 3591.18
 10/17/05 AMEND: 3406(b)
 10/07/05 AMEND: 3406(b)
 10/07/05 ADOPT: 6551
 10/04/05 ADOPT: 3963
 10/03/05 AMEND: 3433
 09/28/05 ADOPT: 3591.19
 09/27/05 AMEND: 3700(c)
 09/16/05 ADOPT: 581
 08/12/05 AMEND: 3700(c)

Title 4

01/09/06 ADOPT: 1902.5
 01/09/06 ADOPT: 1690.1
 12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074,
 8076
 12/21/05 ADOPT: 12359
 12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093,
 7094, 7098
 12/05/05 AMEND: 1977
 12/05/05 REPEAL: 1959.5, 1959.6, 1959.7,
 1959.8, 1976.5, 1976.7
 11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079,
 7079, 7080, 7081, 7082, 7083, 7084,
 7085, 7086, 7087, 7088, 7089, 7090,

7091, 7092, 7093, 7094, 7095, 7096,
 7097, 7098, 7099 REPEAL: 7000, 7001,
 7003, 7004, 7005, 7006, 7007, 7008,
 7009, 7010, 7011, 7012, 7013, 7013.

11/28/05 ADOPT: 503, 512, 515, 516, 517, 518,
 519, 523, 524 AMEND: 500, 501, 502,
 510, 513, 514, 520, 552, 530, 531, 533
 REPEAL: 521

11/23/05 AMEND: 4083

11/01/05 ADOPT: 10300, 10302, 10310, 10315,
 10317, 10320, 10322, 10325, 10326,
 10327, 10335, 10337

10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
 7035, 7036, 7037, 7038, 7039, 7040,
 7041, 7042, 7043, 7044, 7045, 7046,
 7047, 7048, 7049, 7050 AMEND: 7047,
 7048 REPEAL: 7049

10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025,
 9027, 9050, 9051, 9052, 9053, 9054,
 9055, 9056, 9057, 9058, 9059, 9060,
 9061, 9062, 9063, 9064, 9065, 9066,
 9067, 9068, 9069, 9070 AMEND: 9020,
 9030, 9031, 9032, 9041, 9043

10/12/05 AMEND: 1433

09/13/05 ADOPT: 1843.6

09/12/05 AMEND: 4140

08/24/05 AMEND: 1663

08/17/05 AMEND: 1976.9

Title 5

12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684,
 4685, 4686, 4687 AMEND: 4600, 4610,
 4611, 4620, 4621, 4622, 4630, 4631,
 4632, 4633, 4640, 4650, 4651, 4660,
 4662, 4663, 4664, 4665, 4670, 4910
 REPEAL: 4661, 4671

12/12/05 ADOPT: 80033.2

12/07/05 AMEND: 43810

12/06/05 ADOPT: 11963.5 AMEND: 11704,
 11963.2, 11963.3, 11963.4, 11963.5,
 11963.6

11/17/05 AMEND: 41301 REPEAL: 41303,
 41304

11/15/05 AMEND: 6111

11/10/05 AMEND: 19826.1

10/19/05 AMEND: 11900, 11905, 11915, 11920,
 11925, 11930, 11935

10/14/05 ADOPT: 18092.5 AMEND: 18066,
 18069, 18078, 18081, 18083, 18084,
 18092, 18103, 18106, 18109, 18110

10/14/05 ADOPT: 18092.5 AMEND: 18066,
 18069, 18078, 18081, 18083, 18084,
 18092, 18103, 18106, 18109, 18110

10/11/05 ADOPT: 19850, 19851, 19852, 19853,
19854 AMEND: 19814, 19814.1
10/11/05 ADOPT: 18220.2, 18224.2, 18224.4,
18240.5, 18249 AMEND: 18220, 18240,
18248, 18244
09/28/05 AMEND: 50500
09/01/05 REPEAL: 1630
08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854,
855, 857, 858, 859, 861, 862, 863, 864,
864.5, 865, 866, 867, 867.5, 868870
08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203,
1204.5, 1206, 1207, 1209, 1210, 1211,
1211.5, 1215, 1215.5, 1216, 1217, 1225

Title 8

12/20/05 AMEND: 3395
12/14/05 AMEND: 6632(f)
12/13/05 AMEND: 20299
12/05/05 AMEND: 4650
11/22/05 ADOPT: 13694
11/22/05 ADOPT: 13680, 13681, 13682, 13683,
13684, 13685, 13686, 13687, 13688,
13689, 13690, 13691, 13692, 13693
09/29/05 AMEND: 9789.11
09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,
9792.10 REPEAL: 9792.11
09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14, 9767.15
08/25/05 AMEND: 6184
08/22/05 ADOPT: 3395
08/10/05 AMEND: 8615

Title 9

12/30/05 ADOPT: 3100, 3200.000, 3200.010,
3200.020, 3200.030, 3200.040,
3200.050, 3200.060, 3200.070,
3200.080, 3200.090, 3200.100,
3200.110, 3200.120, 3200.130,
3200.140, 3200.150, 3200.160, 3310,
3400, 3405, 3410, 3415

Title 10

12/28/05 AMEND: 2498.5
12/13/05 AMEND: 2312, 2312.5, 2315
11/23/05 AMEND: 260.210, 260.211, 1726,
1950.122, 2020
11/16/05 AMEND: 2699.6600, 2699.6809
11/15/05 AMEND: 2690.1
11/03/05 ADOPT: 2698.95.1, 2698.95.11,
2698.95.12, 2698.96, 2698.97,
9698.97.1, 2698.98, 2698.98.1 AMEND:
2698.95
10/20/05 AMEND: 2318.6, 2353.1, 2354
10/07/05 ADOPT: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,

2698.37, 2698.38, 2698.39, 2698.40,
2698.41, 2698.42, 2698.43 REPEAL:
Sections 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2698.37, 2698.38, 2698.39, 2698.40,
2698.

09/28/05 AMEND: 260.121

09/28/05 AMEND: 2498.4.9

Title 11

01/11/06 ADOPT: 116.2
01/09/06 AMEND: 999.1, 999.2, 999.3, 999.4
12/22/05 AMEND: 1005, 1007, 1008, D-1, D-10,
D-14
12/15/05 AMEND: 51.12
12/01/05 ADOPT: 116.1
11/22/05 ADOPT: 49.17
10/24/05 AMEND: 1070, 1081, 1082
08/22/05 AMEND: 1001, 1002, 1007
08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
08/12/05 AMEND: 1005, 1060

Title 12

09/19/05 ADOPT: 460, 461

Title 13

12/16/05 ADOPT: 253.02 AMEND: 345.16
12/07/05 ADOPT: 2425.1 AMEND: 2420, 2421,
2423, 2425, 2426, 2427, Incorporated
Test Procedures
12/05/05 AMEND: 425.01
11/08/05 AMEND: 550, 551.11, 551.12
10/27/05 AMEND: 2453, 2455
10/18/05 AMEND: 28.18, 28.19, 28.20, 28.21,
28.22, 28.23
09/15/05 ADOPT: 1961.1 AMEND: 1900, 1961
09/15/05 AMEND: 1961(d)
09/12/05 AMEND: 2262, 2264.2, 2266.5(a) (6)
08/24/05 AMEND: 551.2, 551.15
08/18/05 AMEND: 2754
08/16/05 AMEND: 345.39, 345.45, 345.56,
345.78
08/11/05 AMEND: 423.00

Title 14

12/22/05 AMEND: 11900
12/19/05 ADOPT: 163.1 AMEND: 163, 164
12/06/05 ADOPT: 4970.02, 4970.03, 4970.04,
4970.05, 4970.06, 4970.07, 4970.08,
4970.09, 4970.10, 4970.11, 4970.12,
4970.13, 4970.14, 4970.15, 4970.16,
4970.17, 4970.18, 4970.19, 4970.20,
4970.21 AMEND: 4970.00, 4970.01
REPEAL: 4970.02, 4970.03, 4970.04,
4970.05
12/02/05 AMEND: 18660.5, 18660.6, 18660.10,
18660.20, 18660.21, 18660.22,
18660.36, 18660.37

11/30/05 ADOPT: 957.11, 957.12 AMEND: 957
 11/16/05 AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]
 11/09/05 ADOPT: 1038(i) AMEND: 1038.2, 1038(e)
 11/02/05 AMEND: 632
 11/01/05 ADOPT: 2.45, 251.9
 10/31/05 AMEND: 180.1
 10/26/05 AMEND: 2516
 10/25/05 AMEND: 11900
 10/24/05 AMEND: 1251, 1252, 1252.1, 1253, 1254, 1256, 1257
 10/18/05 ADOPT: 17939.1, 17939.2, 17939.3, 17939.4, 17939.5 AMEND: 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936
 10/13/05 AMEND: 699.5
 10/13/05 AMEND: 895, 895.1, 1038, 1038(f)
 10/12/05 ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 19462, 18463, 18464, 18466
 10/06/05 AMEND: 15000, 15001, 15002, 15003, 15004, 15005, 15006, 15007, 15020, 15021, 15022, 15023, 15024, 15025, 15040, 15041, 15042, 15043, 15044, 15045, 15050, 15051, 15052, 15053, 15060, 15060.5, 15061, 15062, 15063, 15064, 15064.5, 15064.7, 15065, 15070,
 09/30/05 AMEND: 502, 506
 09/21/05 ADOPT: 18801.1, 18808.1, 18808.2, 18808.3, 18808.4, 18808.5, 18808.6, 18808.7, 18808.8, 18808.9, 18808.10, 18808.11, 18809.1, 18809.2, 18809.3, 18809.4, 18809.5, 18809.6, 18809.7, 18809.8, 18809.9, 18809.10, 18809.11, 18810.1, 18810.2, 18810.3, 18810.4,
 09/20/05 AMEND: 13800
 08/26/05 AMEND: 7.50(b) (91.1)
 08/24/05 AMEND: 183 REPEAL: 188
 08/23/05 AMEND: 230
 08/23/05 AMEND: 7.50

Title 14, 27

08/23/05 AMEND: Title 14, 17850(a); 17852(a) (5), (a) (11), (a) (12), (a) (13), (a) (15), (a) (16), (a) (21), (a) (22), (a) (24), (a) (36), (a) (41); 17855(a), (a) (5) (A); 17855(a) (5) (B), (a) (7); 17855.4(a), (c), (d) (1), (d) (2), (d) (3); 17856(a), (c), (c) (1);

Title 15

12/15/05 AMEND: 3335
 12/05/05 AMEND: 3173.1
 11/21/05 ADOPT: 3999.2
 11/01/05 AMEND: 3287
 09/13/05 ADOPT: 3480, 3480.1, 3483, 3484, 3485 AMEND: 3084.1, 3084.7, 3480, 3481, 3482, 3483
 08/23/05 AMEND: 3025

Title 16

01/05/06 AMEND: 1399.710
 12/30/05 AMEND: 119.6, 120
 12/30/05 AMEND: 1820, 1970.4, 1991, 1996
 12/27/05 AMEND: 3005
 12/15/05 ADOPT: 1399.454 AMEND: 1399.434, 1399.436, 1399.450, 1399.451
 12/13/05 AMEND: 3005
 12/12/05 ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 35.1 AMEND: 70, 98
 12/02/05 ADOPT: 3067
 11/30/05 AMEND: 2542, 2542.1, 2547, 2547.1
 11/29/05 AMEND: 1397.61(f)
 11/21/05 AMEND: 1397.61(a)
 11/18/05 AMEND: 1364.11
 11/15/05 AMEND: 69, 75.5, 87.5, 89, 89.1, 95, 95.2, 95.3, 95.4
 10/24/05 AMEND: 1399.50, 1399.52
 10/20/05 AMEND: 1922.3
 10/20/05 AMEND: 1870, 1870.1, 1874
 10/18/05 AMEND: 1807.2, 1833, 1833.1, 1833.2, 1887.4, 1889, 1889.1, 1889.3
 10/11/05 AMEND: 7, 7.1, 9, 9.2, 11.5, 13 REPEAL: 14
 10/06/05 AMEND: 1016, 1017
 10/05/05 AMEND: 1014, 1014.1
 09/20/05 AMEND: 407(c)
 09/09/05 AMEND: 1399.170.11
 09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732 6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
 09/06/05 ADOPT: 1659.30(a) (b) (c), 1659.31(a) (b), 1659.32(a) (b), 1659.33, 1659.34(a)(b)(c), 1659.35
 09/06/05 ADOPT: 1070.4
 08/29/05 AMEND: 404.1, 404.2
 08/25/05 AMEND: 1399.15
 08/25/05 AMEND: 473
 08/16/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4224, 4226, 4228, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246,

	4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268		5100.25.1, 51000.25.2, 51000.31, 51000.32, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60, 51051 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000
Title 17			
12/29/05	ADOPT: 30105		
11/10/05	AMEND: 54355, 56002, 56040		
10/18/05	ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232	10/04/05	AMEND: 80072(a) (8), 85068.4
09/12/05	ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4	09/27/05	AMEND: 311-1
09/07/05	REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9	09/27/05	ADOPT: 4400(jj), 4403.1, 4446.5 AMEND: 4400(I), 4403, 4412.1, 4415, 4417
08/31/05	ADOPT: 93102.5	09/02/05	AMEND: 4418 REPEAL: 4419, 4442.1, 4444
08/18/05	AMEND: 94006	08/24/05	AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501
Title 18		08/12/05	AMEND: 12805
01/10/06	AMEND: 1S84	08/12/05	AMEND: 12705
12/29/05	AMEND: 1620	08/11/05	AMEND: 97212, 97232, and 97241.
12/27/05	ADOPT: 1823.4	08/10/05	ADOPT: 97800, 97810, 97820, 97830, 97840, 97850, 97860, 97870, 97880, 97890
12/09/05	ADOPT: 25106.5-11		
10/04/05	AMEND: 1698		
Title 20		Title 23	
01/03/06	ADOPT: 1362, 1363.1, 1363.2, 1365.1, Appendix C AMEND: 1364, 1366, 1368.1, 1369, 1370, Appendix A, Appendix B REPEAL: 1363, 1365, 1368, 1368.5	12/27/05	ADOPT: 3939.16
12/30/05	AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608	12/20/05	ADOPT: 3957
09/08/05	ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842	12/15/05	ADOPT: 3939.18
Title 21		12/09/05	ADOPT: 3939.19
09/09/05	ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619	12/09/05	ADOPT: 3939.20
Title 22		12/02/05	ADOPT: 3989.2
12/30/05	ADOPT: 67384.1, 67384.2, 67384.3, 67384.4, 67384.5, 67384.6, 67384.7, 67384.8, 67384.9, 67384.10, 67384.11	12/01/05	ADOPT: 3939.15
12/27/05	ADOPT: 66262.44 AMEND: 66261.111, 66262.10	11/28/05	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37
12/19/05	ADOPT: 66264.151 AMEND: 66264.115, 66264.120, 66264.143, 66264.145, 66264.147, 66265.115, 66265.120, 66265.143, 66265.145, 66265.147, 67450.13, 67450.30, 67450.49	10/21/05	AMEND: 1062, 1063, 1064, 1065, 1066, 1067, 1071, 1077, 3833.1 REPEAL: 793
11/10/05	ADOPT: 51000.6.1, 51000.10.1, 51000.15.1, 51000.20.1, 51000.24.1,	10/13/05	ADOPT: 2200.6 AMEND: 2200
		10/12/05	ADOPT: 3005
		10/04/05	AMEND: 2908
		10/03/05	AMEND: 3900
		09/22/05	ADOPT: 18456.2.1, 18460.2.1, Forms CIWMB 173 (4/04), 180(3/04) AMEND: 18449, 18450, 18451, 18456, 18459, 18459.2.1, 18459.3, 18461, 18462
		09/08/05	ADOPT: 3966
		08/19/05	AMEND: 2611
		08/18/05	ADOPT: 3906
		Title 25	
		12/19/05	ADOPT: 11101, 13302 AMEND: 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301, 19400
		12/07/05	AMEND: 1338.1 REPEAL: 1433.1
		11/07/05	AMEND: 5002, 5020, 5021, 5340, 5348

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 3-Z

09/27/05 ADOPT: 8430, 8431, 8432, 8433, 8434

08/12/05 AMEND: 8204, 8210, 8211, 8212,
8212.1, 8213, 8217

Title 27

11/17/05 AMEND: 21685

09/29/05 ADOPT: 20070, 21569, 21835

09/26/05 ADOPT: 15241, 15242

Title 28

12/14/05 AMEND: 1300.75.4

08/22/05 ADOPT: 1300.67.1.3

08/10/05 ADOPT: 1300.75.4.2, 1300.75.4.4,
1300.75.4.7, 1300.75.4.8 AMEND:
1300.75.4, 1300.75.4.5

Title MPP

09/20/05 REPEAL: 11-405.22

08/12/05 AMEND: 42-101